

Doc. 77

## The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K.  
and T.D.

NO. 04-2338 RSM

Plaintiff,  
v.

**STIPULATION AND ORDER TO  
PERMIT JACK ONEFREY TO  
ENTER UNITED STATES FOR  
DEPOSITION**

THE CORPORATION OF THE  
PRESIDENT OF THE CHURCH OF  
JESUS CHRIST OF LATTER-DAY  
SAINTS, a Utah corporation sole, a/k/a  
"MORMON CHURCH"; LDS SOCIAL  
SERVICES a/k/a LDS FAMILY SERVICES  
a Utah corporation

**Defendant.**

## I. INTRODUCTION

#### **A. Recitals**

18 Whereas the Parties above-named are seeking to complete deposition discovery  
19 by February 27, 2006, they hereby represent and agree as follows:

20       1.     Jack Onefrey has been identified by the parties as a key witness in the  
21 above-captioned matter;

22       2. Plaintiffs in the above described action have noted the deposition of  
23 Mr. Jack Onefrey for Friday, January 27, 2006;

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# STAFFORD FREY COOPER

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1       3. Mr. Onefrey is a citizen and resident of British Columbia, Canada;

2       4. The parties believe that the interest of justice will be served by

3 Mr. Onefrey's appearance at the deposition on January 27, 2006; and

4       5. The parties wish to avoid any scheduling difficulties with the deposition  
5 which might arise should Mr. Onefrey be denied entry into the United States en route to  
6 his January 27, 2006 deposition which is scheduled to take place in Seattle,

7           NOW, THEREFORE, the parties hereby stipulate as follows:

8                   **II. STIPULATION OF THE PARTIES**

9       1. Mr. Onefrey shall, subject to Order of this Court, be deposed in the United  
10 States of America, State of Washington, at the place and time designated on the  
11 attached Notice of Deposition; and

12       2. They (the parties) jointly request that the court enter the subjoined Order  
13 authorizing and directing (a) that Mr. Onefrey be allowed entry into the United States no  
14 earlier than January 25, 2006 and (b) that Mr. Onefrey return to Canada and depart  
15 from the United States no later than 6:00 pm on January 28, 2006.

16                   **III. ORDER**

17       The Court, having considered the above mutual Recitals and Stipulation of the  
18 parties, and deeming itself fully advised of the premises, hereby

19           ORDERS, ADJUDGES, AND DECREES as follows:

20       1. Mr. Jack Onefrey, a witness in the above captioned case, is hereby  
21 authorized to enter the United States no earlier than Wednesday, January 25, 2006 for  
22 the express purpose of appearing at the deposition scheduled for January 27, 2006;

23  
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2. Mr. Onefrey shall present himself to officials at the Aldergrove Port of Entry into the United States;

3. Mr. Onefrey is authorized to meet with his attorney prior to the deposition.

4. Upon completion of his deposition, Mr. Onefrey shall return to Canada and shall depart the United States no later than 6:00 pm on Saturday, January 28, 2006.

5. The United States Department of Homeland Security and the United States Border Patrol and any other U.S. government agencies or personnel are directed to and shall admit Mr. Onefrey into the United States at such time as he presents himself at the Aldergrove Port of Entry.

DATED THIS \_\_\_\_\_ day of January, 2006.

The Honorable Ricardo Martinez, Judge

Prepared and presented by:

## STAFFORD FREY COOPER

By: /s/ Marcus B. Nash via ECF

Thomas D. Frey, WSBA #1908

Marcus B. Nash, WSBA #14471

Attorneys for Defendants COP and LDS Family Services

*Agreed, approved as to form and substance, and stipulated:*

# GORDON THOMAS HONEYWELL MALANCA & PETERSON

By: /s/ Michael Pfau via ECF

Michael Pfau, WSBA #24649

## LAW OFFICES OF TIM KOSNOFF

By: /s/ Timothy Kosnoff via ECF

Timothy Kosnoff, WSBA #16586

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## **Certificate of Service**

I certify that on the date noted below that I electronically filed this document entitled STIP AND ORDER PERMITTING JACK ONEFREY TO ENTER UNITED STATES with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

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DATED this 23rd day of January, 2006, at Seattle, Washington.

/s/ Marcus B. Nash via ECF  
Marcus B. Nash, WSBA #14471

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